

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to a Complete Paper Application Packet**

#### **Notice of Proposed Rulemaking**

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

#### **Public Hearing**

A public hearing on the proposed actions will be held:

**February 13, 2015**

**8:30 a.m.**

**Commission on Teacher Credentialing**

**1900 Capitol Avenue**

**Sacramento, California 95811**

#### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes at 5:00 p.m. on February 9, 2015. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. David Crable, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [dcable@ctc.ca.gov](mailto:dcable@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### **Authority and Reference**

Education Code section 44225 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Education Code sections 44230, 44235, 44330, 44339, 44340, 44346.5, and 44350 pertaining to requirements for submission of a complete paper application packet to the Commission. The proposed regulations also include amendments to the forms required during the application process.

#### **Informative Digest/Policy Statement Overview**

##### Summary of Existing Laws and Regulations

This rulemaking action proposes the addition of section 80002 to Title 5 of the California Code of Regulations (CCR) related to the submission of a complete paper application packet as approved by the Commission at the August 2014 meeting. This rulemaking file also proposes amendments to section 80001 of Title 5 of the CCR to update the revision dates of the forms associated with a complete application packet.

## **General Provisions:**

### *Application Form Revisions*

The current revision dates of the *Application for Credential Authorizing Public School Service* (FORM 41-4) and the associated *Instruction and Information Sheet* (41-4 INSTRUCTIONS) incorporated by reference in 5 CCR section 80001 is “12/09.” Between December 2009 and December 2014, minor revisions have been made to the forms for clarity purposes. In December 2014, new sections were added to comply with the provisions of Assembly Bill (AB) 2560 (Bonilla, Chap. 110, Stats. 2014).

AB 2560 amended section 44252 of the Education Code and requires the Commission to make specific revisions to its application forms for all credential types. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code].

In addition, the *Renewal and Reissuance* application form (41-REN) was discontinued in August 2014 and revisions to the *Professional Fitness Explanation Form* (OA-EF) were made in September 2013 for clarity purposes. The proposed amendments to 5 CCR section 80001 update the revision dates for the FORM 41-4, 41-4 INSTRUCTIONS, and OA-EF form and delete the 41-REN form.

### *Completed Application Packet*

The Commission receives a significant number of incomplete paper applications. For example, at the end of the 3-month period from April 25 to July 25, 2014, the Commission received 929 applications that had to be returned to the applicant for correction due to incomplete documentation or errors made in filling out the application. The proposed regulations specify the items that must be submitted with an application in order for Commission staff to accept the application and evaluate the educator’s qualifications and fitness.

Some regulations regarding what is required to complete an application are presently scattered throughout various sections of Title 5, not all of which are directly related or currently cross-referenced. The proposed regulations update, expand, and consolidate into one section application requirements and processes to reflect current statute and Commission procedures.

Each application must include payment of the application fee and the applicant’s name, Social Security Number (SSN) or Individual Tax Identification Number (ITIN), and date of birth. These items are required for initial screening and to verify the applicant’s identity.

If the name, SSN or ITIN, and date of birth are not provided on the application form or the correct payment is not included, the application will be deemed deficient and the entire application packet, including supporting materials and payment, will be returned to the applicant along with a letter requesting the missing information.

In addition, each application must also include the following items in order for staff to complete the evaluation process:

- Current mailing address, including street address, City, State and Zip Code;

- Email address;
- County or school district of employment;
- Selection of a specific type of credential or permit on the application;
- Completion of the Oath and Affidavit section with original signature and date, including county and state where signed;
- All Professional Fitness Questions answered and complete documentation for any disclosure on the applicant's Professional Fitness questionnaire;
- Evidence of fingerprint submission.

If any of these items is absent from the application packet the application will be deemed incomplete. The fee will be retained and the applicant will be sent a letter requesting additional information. Applicants will have 60 days to submit the required information or the application will be rejected. Applicants not employed in a California school may indicate 'Not applicable' in the County or District of Employment space as appropriate.

If more than one specific type of document is requested on one application form, the Commission will evaluate the application for the first type of document selected on the application. The applicant will subsequently be sent a letter advising that each additional document sought requires the submission of a separate application, application fee, and supporting materials.

Fingerprint clearance through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) is required from every applicant prior to the Commission's issuance of any credential, permit, or certificate. Individuals who have received fingerprint clearance through other California agencies, employers, other states or government agencies are not exempt from this process. An evaluation of an application may be completed and an educator's academic eligibility for a document established but educators will be notified that no document will be issued until fingerprint information is received by the Commission and any fitness review is completed.

#### Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations are to:

- update the forms associated with a complete application packet;
- update, expand, and consolidate into one section all application requirements and processes to reflect current statutes and regulations;
- identify the specific elements that must be present for an application packet to be complete, allowing the Certification Division to complete an evaluation of an educator's academic qualifications and the Division of Professional Practices to complete its fitness review; and
- clarify how an application is handled if it is incomplete.

The Commission anticipates that the proposed regulation will benefit the welfare of students attending public schools in the State of California by assuring educators fully meet the academic qualifications for documents they are issued, understand their responsibilities as mandated reporters of possible child abuse and neglect, and have completed the Commission's fingerprint character and identification process, meeting the moral and professional fitness standards

established by law. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in application requirements for individuals seeking California certification. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

#### Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations and has determined that these are the only regulations concerning requirements for the submission to the Commission of a complete paper application packet. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### **Documents Incorporated by Reference:**

The *Application for Credential Authorizing Public School Service* (FORM 41-4, Rev. 12-2014), *Application for Credential Authorizing Public School Service, Instruction and Information Sheet* (41-4 INSTRUCTIONS, Rev. 12-2014), and *Professional Fitness Explanation Form* (OA-EF, Rev. 9-2013) incorporated by reference in these proposed regulations are attached to the Original Text document showing all amendments made since the December 2009 versions in underline and ~~strikethrough~~. The forms without underline and strikethrough are available on the Commission's website as follows:

*Application for Credential Authorizing Public School Service* (FORM 41-4):

<http://www.ctc.ca.gov/credentials/leaflets/414.pdf>

*Application for Credential Authorizing Public School Service, Instruction and Information Sheet* (41-4 INSTRUCTIONS):

<http://www.ctc.ca.gov/credentials/leaflets/414-instructions.pdf>

*Professional Fitness Explanation Form* (OA-EF):

<http://www.ctc.ca.gov/credentials/online-services/pdf/OA-EF.pdf>

#### **Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

*Cost impacts on a representative private person or business:* The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]:* The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses with the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

The Commission anticipates that the proposed regulation will benefit the welfare of students attending public schools in the State of California by assuring educators are appropriately qualified in relation to the documents issued, understand their responsibilities as mandated reporters of possible child abuse and neglect, and have completed the Commission's fingerprint character and identification process, meeting the moral and professional fitness standards established by law.. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals seeking California certification. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for credentials that authorize service in California's public schools.

### **Consideration of Alternatives**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

### **Contact Person/Further Information**

General or substantive inquiries concerning the proposed action may be directed to David Crable by telephone at (916) 323-5119 or David Crable, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of

reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

**Availability of Statement of Reasons and Text of Proposed Regulations**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons, and the documents incorporated by reference. Copies may be obtained by contacting David Crable at the address or telephone number provided above.

**Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**Availability of Final Statement of Reasons**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting David Crable at (916) 323-5119.

**Availability of Documents on the Internet**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations and the forms incorporated by reference in underline and strikeout can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).